

**UNITED STATES DISTRICT COURT  
District of Maine**

ALICE SMITH, )  
v. )  
Plaintiff )  
FAIRBANK FARMS, INC., et al., )  
v. )  
Defendants and Third- )  
Party Plaintiffs )  
GREATER OMAHA PACKING )  
COMPANY, INC., )  
v. )  
Third-Party Defendant )

**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on May 31, 2011, his Recommended Decision (Docket No. 182). Third-Party Defendant Greater Omaha Packing Company, Inc. filed its Objection to the Recommended Decision on Motions for Summary Judgment (Docket No. 189) on June 17, 2011. Third-Party Defendant Greater Omaha Packing Company, Inc. filed its Objection to the Recommended Decision on Motion to Exclude Expert Opinion (Docket No. 191) on June 17, 2011. Defendants and Third-Party Plaintiffs Fairbank Farms, Inc., et al filed its Response to Third-Party Defendant's Objections to the Recommended Decision on Motion to Exclude Expert Opinion (Docket No. 196) on July 1, 2011. Defendants and Third-Party Plaintiffs Fairbank Farms, Inc., et al filed its Response to Third-Party Defendant's Objections to the Recommended Decision on Motions for Summary Judgment (Docket No. 198) on July 1, 2011.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is **ORDERED** that the Motion for Summary Judgment (Docket No. 91) filed by Defendants and Third-Party Plaintiffs Fairbank Farms, Inc., et al is **DENIED**.
3. It is **ORDERED** that the Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment (Docket No. 92) filed by Third-Party Defendant Greater Omaha Packing Company, Inc. is **DENIED**.

/s/George Z. Singal  
U.S. District Judge

Dated this 7<sup>th</sup> day of July, 2011.